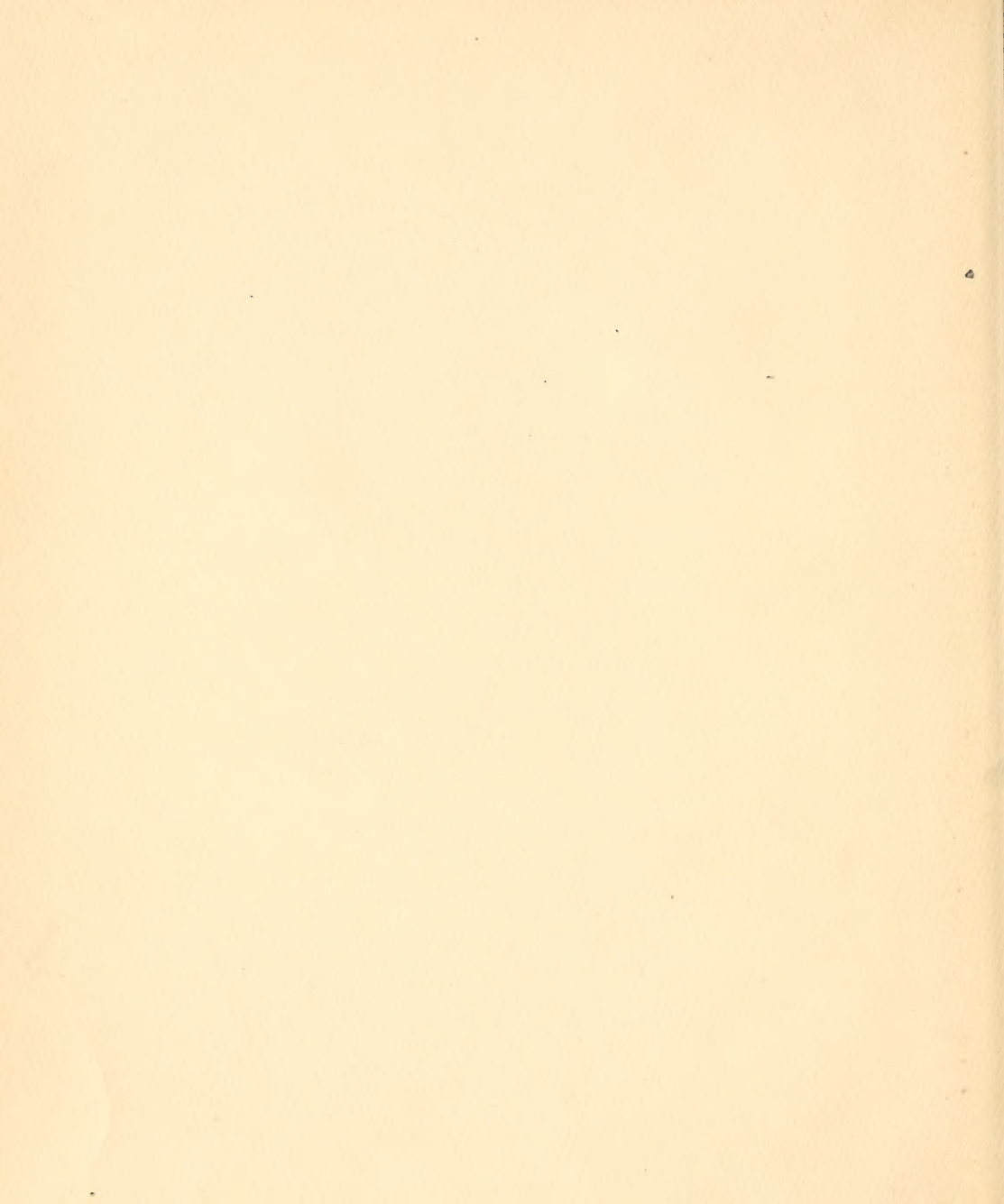






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THE
LANDS AND LAIRDS
OF
DUNIPACE

BY

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Editor of "Diary of Sir M. Connal"



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PREFATORY NOTE.

FOR some time I have been collecting notes on the estates and their owners in the parishes of Larbert and Dunipace. My original intention was to publish them in book form, with photographs of interesting antiquarian and architectural features, and of notable people connected with these estates. I still hope to carry out this intention. As, however, this will take a considerable time, and as the following paper on Dunipace has been virtually finished since last Christmas, I have resolved to publish it separately, especially as it contains matter which may interest general readers as well as antiquaries and genealogists.

J. C. G.

EDINBURGH, *May, 1903.*



THE LANDS AND LAIRDS OF DUNIPACE.

THE estate of Dunipace is in the parish of the same name, in the county of Stirling. In Mr. Fleming's "Ancient Castles and Mansions of Stirling Nobility," there is an interesting sketch of the ruins of Torwood Mansion, the ancient home of the Forresters, which is stated to have been similar in design to Dunipace Mansion, and presumably of the same period. On this estate are the celebrated Mounds of Dunipace, which have been and still are the objects of antiquarian speculation.¹ In the immediate vicinity of these mounds was found the beautiful Dunipace brooch.² It is silver, set with amber, and with the pattern wrought in gold, and is supposed to be a relic of the 6th or 7th century. It is now in the National Museum of Antiquities, Edinburgh.

The story of the owners of Dunipace and their kindred would have supplied Sir Walter Scott with matter for the plots of several Waverley Novels.

¹ Nimmo's History of Stirlingshire (2nd ed.) New Statistical Account of Scotland (Stirlingshire).

² Prehistoric Annals of Scotland, by Daniel Wilson, LL.D., Vol. ii., 277.

The earliest record of the lands of Dunipace which I have been able to trace, is in the "Cartulary of Cambuskenneth," in the reign of William the Lion. In the year 1190, Gilbert de Umfraville makes a gift of part of these lands to the Abbey. The Umfravilles¹ were one of the leading families of the time. This Gilbert married Matilda, Countess of Angus, and in right of his wife he became 7th Earl of Angus. He died in 1245, two years after his marriage, leaving a son also named Gilbert, 8th Earl of Angus. This Gilbert's eldest son, also Gilbert, died before his father; probably he is the Gilbert who in 1264² made a gift of part of the lands of Dunipace to Cambuskenneth Abbey "for the good of his soul." Among the witnesses to this deed of gift are Adam de Stanus and Herbert de Camera.

A younger brother, Robert,³ succeeded as 9th Earl of Angus. He was appointed joint guardian of Scotland by Edward II., 21st July, 1308, and had a commission to be sole guardian, 20th August, 1309; but this was never acted on. When Bruce came to the throne he forfeited Earl Robert for his adherence to the English interest. This we learn from a charter under the Great Seal of the superiority of the lands

¹ Calendar of Documents relating to Scotland, and Exchequer Rolls.

² About this time (1264) there is an entry in the Exchequer Rolls showing that Alexander III. kept hawks at Dunipace.

³ Douglas's Peerage (Wood's Ed.).

of Dunipace, granted by Bruce to William de Lindsay, in which it is stated that this superiority formerly belonged to Robert de Umfraville. "The Cartulary of Cambuskenneth" records other gifts of portions of these lands in 1200 by Herbert, son of Herbert de Camera,¹ also by Sir Adam de Moreham, Knight. The chapel of Dunipace is alluded to in 1195, and it is interesting to know that an uncle of Sir William Wallace was the priest in charge during the latter half of the 13th century.² It is said that Wallace frequently made his uncle's house his home. In 1304 Edward I. orders the Earl of March to take up his abode about Dunipace.³

Bruce granted a charter to John Gifford of the lands of Dunipace⁴ "at the earnest desire of the Earl of Murray." From an entry in the Exchequer Rolls, 1330, for expenses incurred at Dunipace in connexion with the funeral of King Robert the Bruce, we are enabled to follow his remains from Cardross, by way of Dunipace and Cambuskenneth, to their last resting-place in front of the high altar of the Abbey Church of Dunfermline.⁵

¹ See Note A, Appendix.

² The Book of Wallace, Vol. ii, p. 89. Dr. Rogers, the editor, says the priest of Dunipace was probably the brother of Wallace's mother, and identifies him with Roger, chaplain to Gilbert de Umfraville.

³ Historical Documents, Scotland.

⁴ Probably the superiority. See Robertson's Index.

⁵ Preface, Exchequer Rolls, Vol. i.

There is a charter to Maurice Murray¹ of the "right" of Dunipace in the reign of David II. The Abbey of Cambuskenneth held its lands of Dunipace for 300 years. In 1400 we find Patrick, the 17th Abbot, involved in judicial proceedings about a part of these lands which he upheld had been granted by a certain John Ker as a gift to the Abbey. The case was for a time decided against the Abbot, but David, the 19th Abbot, again brought up the case at a court held at Dunipace by William Murray of Touchadam, "baillie to Richt Mighty Lord, William, Earl of Orknay and Katnes" and lord of the barony of "Harbertschire."² John Ker claimed 4 oxgangs "liand in Dunipace pertenying to hous of Cambuskenneth." The Abbot showed that John Ker had given the lands to the Abbey, and this time the case went in the Abbot's favour. Among the witnesses were Thomas Gardnar of Denovane and Andrew Reidheuch of the Quarrell.³

The following extract from the "Acta Dominorum Auditorum" shows that part of the lands of Dunipace belonged to Malcolm Forrester of Torwood. On 12th March, 1478, Malcolm Forrester of Torwood proves "that land of Donypas, which he gave to Elizabeth Erth, was worth 6 merk yearly."

¹ Robertson's Index.

² Dunipace was at this time in the barony of Herbertshire,

³ Cart. of Cambuskenneth.

GENEALOGICAL CHART OF

1. Sir ALEXANDER

2. James, 1st Lord Livingstone

3. ALEXANDER

4. ALEXANDER
d.

5. David d.v.p. before
14th April, 1525

Natural Sons

7. Thomas

8. Lawrence

9. Matthew

10. John

11. Alexander,
d.s.p.,
in lifetime
of grandfather

12. James,
d.v.p.

13. John, 3rd of
d. 15
MS. *Retours St*

16. Sir John, 4th of Dunipace Knight, d. 1619

17. James o

20. John, 21. Alexander,
Bar of d.v.p.,
Dunipace, circa 1607
d.v.p.
before 30 Sept.,
1606

22. Sir David,
5th of Dunipace,
Baronet
(30 May, 1625)

23. Robert 24. James 25. Jo

25a. Jo
Kim

22a. Barbara Forrester, sister to
Sir James Forrester of Garden

Warri

31. John, 6th of Dunipace, sold Dunipace, circa 1634

(1) Ex. Rolls, vol. v., Preface liii. and lxxx. (2 and 3) R.M.S. 7 March 14 April, 1525. (6) R.M.S. 24 Dec., 1521, and 8 March, 1552. (6a) (10) R.M.S. 2 Jan, 1529. (11) See 5. (12) MSS. Stirling Protocols, 6 (Peerage (Wood's Ed.)). (14 and 14a) R.M.S. 1 July, 1548. (14b) R.M.S. (16) Acts Parlt. Scot. (17) R.M.S. 12 June, 1598. (17a) R.M.S. 24 April Parlt. Scot. (21) P.C. Reg., printed (1606) and MSS. 75, 204 (1607). (22) F (1605). (24) R.M.S. 10 July, 1607. (25 and 25a) Pitcairn's Crim. Trials, &c. (28, 29, 30) R.M.S. 24 April, 1628. (31 and 31a) Writs of Dunipace, R.M.S.

I have to express my thanks to Dr. Maitland Thomson for helping Anderson of the Record Office, Mr. F. J. Grant, W.S., Lyon Clerk, and Mr.

LIVINGSTONES OF DUNIPACE.

LIVINGSTONE of Callendar

f Phildes or Fildes, forfeited and executed, 1449-50

st of Dunipace 4a. Alison Gourlay
ca 1532

6. Mr Alexander, 2nd of Dunipace
and of Fildes, d. 1560

6a. Elizabeth Hepburn, dau. of
Sir Adam Hepburn of
Craigs

ipace 13a. Margaret Elphinstone 14. Janet

15. Margaret

shire

14a. (1) John Leighton
of Ullshaven,

15a. John Strachan
of Thornton

14b. and (2) Robert Bruce,
nephew and heir apparent
of David Bruce of Clackmannan

ldhame 17a. Catherine Leighton

18. Patrick,
ancestor of
Livingstones
of Balrownie

19. Elizabeth

19a. Alex. Straton
son of Alex. S. of
that ilk

6. a dau. 27. John 28. Alex. 29. James 30. David

6a. James 27a. Helen Ogilvie,
Arbuthnot sister to John Ogilvie
of of Inverquharitie
Arrat

anabella Young 32. Margaret

19-50. (4) Writs of Dunipace, R.M.S. 24 Dec., 1521. (4a) *Ibid.* (5) R.M.S.
.S. 24 July, 1525, and 1 Sept., 1539. (7, 8, and 9) R.M.S. 14 April, 1525.
1530. (13) Acts of Parlt. of Scot. (13a) R.M.S. 8 March, 1552, Douglas's
Feb., 1550. (15 and 15a) Acts and Decrets, 22, 405; R.M.S. 29 June, 1553.
S. (18) P.C. Reg. (1604). (19 and 19a) R.M.S. 21 June, 1585. (20) Acts
3, 18 July, 1610, and 18 Feb., 1620. (22a) R.M.S. 3 May, 1609. (23) P.C. Reg.
and 26a) Douglas's Peerage (Wood's Ed.). (27 and 27a) R.M.S. 3 March, 1632.
June, 1613. (32) Acts Parlt. Scot.

to solve some knotty points in the above pedigree, and to the Rev. John
Cook of Stirling, for their kind assistance.—JOHN C. GIBSON.



Livingstone.

The Abbey sold the lands of Dunipace to the family of Livingstone in 1495. There seems to be no printed pedigree of the Dunipace branch of the Livingstones. Mr. E. B. Livingstone, F.S.A., in his book entitled "*The Livingstones of Callendar and their Principal Cadets*," privately printed in 1887, leaves them out on the ground of want of space, and classes them among the "numerous minor offshoots" of the family. The following attempted history of the family is made up from the Public Records of Scotland. It does not pretend to be a complete genealogy, but it shows the succession of the Livingstone Lairds of Dunipace from the acquiring till the parting with the lands.

SIR ALEXANDER LIVINGSTONE of Callendar,¹ the celebrated guardian of James II., had two sons, James, 1st Lord Livingstone, and Alexander of Phildes, or Fildes, Perthshire. Alexander of Phildes was executed on 22nd January, 1449-50, and his lands forfeited, one of the crimes with which he was charged being the treasonable imprisonment of the Queen-Mother (Joan Beaufort) in 1439. His ill fortune dogged at least one of his descendants, and, as we follow the fortunes of the various families who possessed Dunipace, we shall find that a singular fatality seems to have hung over them. Alexander Livingstone of Phildes left a son,

¹ Exchequer Rolls, Vol. v., Pref., pp. liii. and lxxx.

(I.) ALEXANDER, 1st of Dunipace. From an inventory of the writs of Dunipace it appears that Alexander had a charter on 20th November, 1495, from the Abbot of Cambuskenneth, which was confirmed by Pope Alexander II. by a commission dated at Rome, 5th April, 1496. In 1512 he was chosen arbitrator in a violent quarrel between the 5th Lord Livingstone and his son, Alexander.

In one of the charters to him under the Great Seal of Scotland, dated 24th December, 1521, the name of his wife is stated to be Alison Gourlay, and his son Alexander is also named.

The Burgh Records of Stirling show that he was a member of the Town Council of Stirling in 1527-8.

By his wife, Alison Gourlay, he had two sons, David and "Mr." Alexander. [See Genealogical Chart.]

The elder son, David, died during the lifetime of his father, before 14th April, 1525, leaving a son, Alexander.

This Alexander was really the heir by blood, and in various deeds up to the year 1529, he is designed "grandson and heir apparent" of Alexander Livingstone of Dunipace. For some reason or other, either he or his father was disinherited in favour of Mr. Alexander Livingstone of Fildes, 2nd son of Alexander Livingstone, 1st of Dunipace. Possibly, Mr. Alexander of Fildes purchased the property of Dunipace from his father.

In the Great Seal charter of 14th April, 1525, to Mr. Alexander Livingstone of Dunipace and Fildes, there is provision made that in the event of failure of his direct heirs, then Alexander Livingstone, son of his brother, the late David Livingstone, is to succeed him. This nephew, Alexander, appears to have died without issue about the year 1532, in the lifetime of his grandfather.

Alexander Livingstone, 1st of Dunipace, was succeeded by his second son,

(II.) “Mr.” ALEXANDER, 2nd of Dunipace. This Laird seems to have been a man of considerable ability and rose to a higher official position than any other member of the family. Choosing law as his profession, he was made Director of the Chancery in 1549, and an Extraordinary Lord of Session in 1550, when he took the title of Lord Dunipace.¹ In the charter before alluded to—14th April, 1525—there is provision that in the event of failure of his own lawful descendants and those of his nephew Alexander, his natural sons, who are named, and their descendants, are to succeed, whom failing, then Alexander, Lord Livingstone of Callendar. In 1552, he had confirmation of a charter under the Great Seal, of the lands of Philde, Perthshire, and in this charter we get proof of his descent from the forfeited Alexander Livingstone of Philde who is therein designed “*avus* of the said

¹ Brunton and Haig's Senators.

Alexander Livingstone of Dunipace." Then, as now, people who lived an orderly, steady life, doing their duty in an honest, quiet way, had the reward of leaving no history behind them. If the "Register of the Privy Council," or "Pitcairn's Criminal Trials" leave a name out of their indices, a man may be said to have passed through life tolerably free from scathe. The Dunipace Livingstones have more than their share of space in these books, and while in them the antiquary or genealogist rejoices when he tracks down a "brother-german," or some other link in a pedigree, not greatly taking to heart the offences which won the unfortunate individual an inglorious immortality, many, more immediately concerned, must often wish the names of their ancestors blotted out from these records. We gather that the Livingstones were a high-mettled race, of quick fiery temper. Even the name of this respectable Lord of Session finds its way into "Pitcairn's Criminal Trials"—not as a judge! Under date 26th November, 1555, Mr. Alexander Livingstone of Dunipace, found William, Lord Livingstone, as surety for him to underly the law "for art and part of the mutilation of the laird of Craigengelt and his son, of their left arms," within the Burgh of Stirling. We shall require to refer frequently to these books in treating of other members of the family,

Lord Dunipace married, before 1525, Elizabeth Hepburn, daughter of Sir Adam Hepburn of Craigs, second son of Adam, 2nd Lord Hailes. By her he had, besides other children,¹ a son, James, who died *circa* 1531, without issue, and a son, John, who succeeded him. In 1560, Lord Dunipace attended the Convention of Estates as one of the lesser barons. He supported the Reformation, but died in November of this year.

(III.) JOHN LIVINGSTONE, 3rd of Dunipace, succeeded to the estate on the death of his father in 1560. There is not much direct information about him. In 1578 there is a record of approbation of his services to Queen Mary and the young King, and in 1592 he had a ratification of lands and heritages² to himself, his son John, and his grandson, also John. He married Margaret Elphinstone, daughter of Alexander, 2nd Lord Elphinstone, by his wife the Hon. Catherine Erskine, daughter of John, Lord Erskine, Earl of Mar. By her he had John, his heir; James of Cauldhame; Patrick, ancestor of the Livingstones of Balrownie; and a daughter, Elizabeth.

John Livingstone, 3rd of Dunipace, died about 1597-8, and was succeeded by his son,

(IV.) JOHN, 4th of Dunipace, who during his father's lifetime was designed younger of Dunipace.

¹ See Genealogical Chart. ² Acts of Parliament of Scotland.

The records¹ reveal that he was constantly in trouble. On 11th July, 1573, certain "hynds" raise a complaint against him before the Lords of the Secret Council for "having reft and spuiyeit them of diverse cattell and gudis." It appears he returned part of the stock, but "nevertheless detenis and will not deliver as yet xxii scheip, twa stirkis, and ane forrow ky of sex yeur auld." . . . The Council "ordains the said John Livingstone to restoir and deliver thame agane to the said complenaris . . . als gude as they were the time of the awaytaking of the samyn."

In 1577, he and William Menteith of West Kerse were imprisoned, the one in Doune and the other in Blackness, for disturbing "his Hienes peace and the publict quietnes of this realme . . . as thoch thair wer na law nor justice within our realme for decisioun of thair querrellis and controversiis." In 1578, John Livingstone, younger of Dunipace, is the injured party. He having been appointed His Majesty's Chamberlain of Biggar, and Keeper of the place and fortalice of Cumbernauld, Fleming of Biggar will not "rander and deliver the same" to him. In 1584 he was mixed up with the Raid of Ruthven, and was summoned to appear before the King for certain "crymes" of treason. He was one of the rebel leaders who, with Angus, Mar, and Glamis, were charged to surrender the Castle and Burgh of Stirling to the King

¹ Privy Council Register.

in that year. In 1595 he was implicated with Bruce, younger of Airth, in the slaughter of "Vingle David Forrestier, burgess of Striuling," in "deidlie feud."

This laird was a man of strong character and independent mind, and although his troubles seemed to thicken upon him with his years, he rose heroically above them. In a ballad of the time, which was the outcome of a tragedy in which his daughter, the ill-fated Jean Livingstone, was the principal figure, he is alluded to as "Great Dunipace," which shows he had the power of impressing his fellows. His daughter, Jean Livingstone, was born in 1579. She was married about the age of fifteen to John Kincaid of Warristoun. He seems to have treated her in a most brutal manner, and at last brought upon himself the terrible retribution of "love turned to hate." Listening to the suggestions of her nurse, Lady Warristoun sanctioned the murder of her husband. He was done to death while in bed by the nurse and a groom on the 2nd of July, 1600. Lady Warristoun is said to have been very beautiful, and only twenty-one years of age when the murder was committed. The reason for the murder was stated to be "deidlie rancor, haitred and malice, against unquhile Johnne Kincaid of Warristoun, for the allegit byting of her in the arme and streking her dyvers times." Lady Warristoun was executed in Edinburgh on 5th July, 1600, at four o'clock in the morning. Her father

had great influence at Court, but she is said to have declined all efforts for saving her life. The youth and high rank of the lady, her grievous provocation and repentance, excited an interest in the public mind such as few murder cases had ever done before. On account of her rank she was beheaded by the "Maiden," one of her relatives holding her hands while the axe fell. The nurse was burnt alive, and the groom, who at first escaped, when captured four years later, was broken on the wheel. This event gave rise to the ballad called "The Laird of Warristoun."¹ The "gloomy house of Warristoun hanging over a deep black pool" was a fitting place for such a tragedy as this.²

John Livingstone, 4th of Dunipace, as we learn from a charter under the Great Seal (1588) had been in attendance on James VI. since that King's earliest years, and was an intimate friend and favourite of the King. If there is any truth in the traditions preserved in the ballad of "The Laird of Warristoun," King James was in great distress about Jean Livingstone's sad fate and the sorrow of her father, who considered his blood to be for ever dishonoured. In 1601 the Privy Council Register states that James VI. was

¹ English and Scottish Ballads, by F. J. Child.

² Particulars of this tragic event may be found in "Chambers Domestic Annals of Scotland," "Pitcairn's Criminal Trials," and "Jean Kincaid of Warristoun: A Memorial of her Conversion," privately printed at Edinburgh, 1827. Edited by C. Kirkpatrick Sharpe.

staying at the Place of Dunipace. In 1606 John Livingstone was one of the jury appointed to try the six Presbyterian ministers at Linlithgow at the instance of James VI. John Livingstone not only absolved them from being guilty of treason, but maintained that they were all "honest ministers, faithful servants of Jesus Christ, and good subjects of the King."¹ It is said that James was afterwards weak enough to resent Dunipace's independent judgment.

John, 4th of Dunipace, was knighted, and represented Stirlingshire in Parliament in 1612. He lived to see his children's children, as we learn from a charter under the Great Seal, 12th June, 1613, wherein his eldest surviving son, David, and his grandson, John, are named. His wife's name does not appear in the public records, but four of his sons are mentioned. His eldest son, John, and his second son, Alexander, died during his lifetime. He was succeeded by his third son, David. Sir John died in 1619, and on 22nd January, 1620, his son, David, was served heir² to the estate of Dunipace and other lands.

(V.) DAVID, 5th of Dunipace, had a charter of these lands, 18th February, 1620. He was in Parliament in

¹ Calderwood. Vol. vi., p. 388.

² Retours—Stirlingshire. In one of David's retours of date, 22nd January, 1620, he is served heir to his brother, John, designed John Livingstone of Dunipace, as if John had actually succeeded to the estate. This was not the case, but as John was designed in a charter "fiar" of Dunipace, David had to serve himself heir to him.

1621. In 1627 he was imprisoned for riotous behaviour in Court. He had had very high words with James Crichton of Bensheills. The Register of the Privy Council states that James Crichton charged Dunipace that he had "colluded with the mother of Johne Livingstone of Dunluppie, to the prejudice of his hous," and "that Dunipace tooke exceptioun at the word colluding." Crichton having answered that "he would mainteane it and make it good, Dunipace gave him the lee; whairupon both parteis fell out in suche irreverent speeches, the one against the uther, that the Erle of Linlithgow could not move thame to be silent." Although he had "commandit thame both to keepe thair hous, notwithstanding thair of, they had brokin their waird and come furth, and as the Erle is informed, hes directed cartalls one to another." The affair ended by the Lords finding—"that both parteis hes caried thameselves verie injuriouslie one to another and most undewtifullie in the presence of the Earl of Linlithgow, his Majesteis Counseller"—[the Lords] ordain both "to be committit to the Castell of Edinburgh." Before leaving the Court the two lairds took a great and solemn oath "not to challenge one another nor make provocation." They were soon liberated. Sir David,¹ in spite of his fiery temper, was a useful member of society. He was appointed a member of the Standing Committee on Manufactures, and his opinion

¹ Acts of Parl. of Scot. and P.C. Register.

was asked about the relief of the poor. He was created a Baronet of Nova Scotia, 30th May, 1625, and received a grant of land which Sir William Alexander of Menstrie (afterwards Earl of Stirling), the *locum tenens*, resigned.

These lands were erected into the barony of Livingstone-Dunipace. During the last few years of his life, Sir David must have lost most of his property, as his son inherited nothing from him, and does not appear to have assumed the baronetcy.

In 1630 there is a charter to Mr. Alexander Livingstone, advocate, who evidently held a "wadset" over the lands, and we find when the estate was sold in 1634, that Adam Livingstone, brother-german of Mr. Alexander Livingstone, advocate, resigned the lands.¹

Sir David married Barbara Forrester, sister to Sir James Forrester of Garden, and had a son, John, who succeeded him, and a daughter, Margaret.

(VI.) SIR JOHN, 6th of Dunipace, married Annabella Young, succeeded his father in 1634, and that same year sold the estate to Sir Robert Spottiswoode.

¹ Mr. Alexander Livingstone, advocate, and his brother, Adam, were both sons of a Mr. Alexander Livingstone, advocate.—Edin. Com. and Burgess Roll.

Spottiswoode.

SIR ROBERT SPOTTISWOODE had a Crown Charter of the Barony of Dunipace from Charles I. on 19th July, 1634. Sir Robert¹ was the second son of John Spottiswoode, Archbishop of St. Andrews, Chancellor of Scotland, and Rachel, daughter of David Lindsay, Bishop of Ross, of the family of Edzell. The Archbishop, who had the honour of crowning Charles I., became the representative of the ancient family of Spottiswoode of that ilk on the death of his relative, John Spottiswoode of that ilk, who sold the estate of Spottiswoode about 1624. This John, whose line failed, had an unlucky taste for violent excitement, resulting in one instance in the murder of Matthew Sinclair, brother of Robert Sinclair, laird of Longformacus, in 1606. A blood feud ensued between these neighbouring border families, and was only ended by the intervention of James VI., through his Privy Council. The Privy Council Records in relating what happened, throw much light on these "old unhappy far-off times." In the turning of the wheel of fortune we shall see that a descendant of John Sinclair, brother of the murdered Matthew, became laird of Dunipace.²

¹ Genealogy of the family of Spottiswoode, from the MS. Collection of Father Augustine Hay (privately printed); also, Dictionary of National Biography, and Memoirs prefixed to "Spotiswoode's Practicks."

² See Appendix B.

Sir Robert Spottiswoode of Dunipace was born in 1596, and had a most distinguished career. He was educated at Glasgow University and at Exeter College, Oxford, and later on he studied in France. He remained abroad for nine years. He was made a Privy Councillor in 1620, and an Extraordinary Lord of Session in 1621. He first took the title of Lord New Abbey, from lands which had been presented to him by his father, but after acquiring the estate of Dunipace, he assumed the title of Lord Dunipace. This was the second time this estate had supplied a title to a Lord of Session. In 1633 he was made President of the College of Justice and Secretary for Scotland. He was one of the most accomplished and cultured men of the time, his skill in languages being specially remarkable. He was a loyal supporter of Charles I., and was taken prisoner at the battle of Philiphaugh in 1645, was tried at St. Andrews, and on some trivial pretext was condemned to death—the noblemen who presided taking care to state that they signed his death warrant “as Preses,” . . . “but not as to their particular judgment.” Sir Robert¹ was executed by the “Maiden” on 6th January, 1646. He married Bethia, eldest daughter of Sir Alexander

¹ His nephew, John Spottiswoode, the only son of his elder brother, John Spottiswoode of Dairsie, was also executed for his loyalty, in the flower of his youth. He was admitted to present a last address to the great Marquis of Montrose just before that nobleman went to the scaffold.

Morison of Prestongrange, and had several children.¹ Sir Robert sold Dunipace two years before his execution.

On 18th December, 1643, there is confirmation of a charter of Dunipace to MR. JAMES AIKENHEAD, advocate, in which Sir Robert Spottiswoode resigns the lands. Mr. James Aikenhead, on 23rd July, 1646, resigns the lands in favour of JAMES, EARL OF CALLENDAR. The Earl of Callendar had no family, but his niece, ELEANOR LIVINGSTONE, daughter of Alexander, 2nd Earl of Linlithgow, married SIR THOMAS NICOLSON, 2nd Baronet of Carnock, whose son, Sir Thomas, 3rd Baronet, was served heir to him in the lands of Carnock, Plean, and Dunipace, in 1664.² On 5th May, 1665, WILLIAM MURRAY, a younger son of Patrick, late Lord Elibank, had a charter under the Great Seal of the barony of Dunipace, in which Sir Thomas Nicolson of Carnock, Knight Baronet, resigns the lands. William Murray was a Commissioner of Supply for the County of Stirling. He sold the estate to Sir Archibald Primrose of Dalmeny, Baronet, in 1677.

¹ His grandson, John Spottiswoode, bought back the ancient barony of Spottiswoode in 1700.

² Retours—Stirlingshire. The Nicolsons were never designed as of Dunipace.

Primrose of Dunipace.

The estate of Dunipace was purchased by Sir Archibald Primrose, Bart., of Dalmeny, who had a charter under the Great Seal, dated 27th July, 1677. He was then Lord Justice General of Scotland. He was the son of James Primrose, Clerk of the Privy Council, by his second wife, Catherine Lawson, daughter of Richard Lawson, burgess of Edinburgh.¹ Sir Archibald succeeded his father as Clerk of the Privy Council of Scotland in 1641.² An enthusiastic royalist, after the battle of Kilsyth he joined the Marquis of Montrose, and was taken prisoner at the battle of Philiphaugh in September, 1645. In 1646 he was tried by the Parliament at St. Andrews, the same which had condemned Sir Robert Spottiswoode, and was found guilty of high treason, but by the interposition of the Marquis of Argyle, who was a near relation of his wife, his life was spared. Sir Archibald was, however, detained in prison till the capitulation of Montrose in the end of that year. On obtaining his release, he rejoined Charles I., who was then at Newcastle, and received the honour of knighthood. In 1648 he was one of the promoters of the "Engagement" for the rescue of his captive sovereign. He attended Charles II.

¹ See Appendix C.

² Crawford's *Peerage*, Bishop Burnet's "*History of His own Times*," &c.

when he marched into England in 1651, and was created a baronet 1st August of that year. After the battle of Worcester, September, 1651, his estates were sequestrated, and all sums of money due him ordered not to be paid. After the Restoration, Sir Archibald was made a Lord of Session and Lord Register, when he assumed the title of Lord Carrington from one of his estates. The Earl of Clarendon, Lord Chancellor of England, wrote to him, "I cannot, my Lord, but congratulate you for the meritorious part you have had in restoring the King and kingdom (Scotland) to its primitive honour and interest," . . . concluding, "I wish the same good spirit may possess you to the end, and with the same success, while we here endeavour to follow your example, which indeed hath already been of great use to us."¹ Sir Archibald married, first, Elizabeth Keith,² eldest daughter and co-heiress of the Honourable Sir James Keith of Benholm, son of George, 5th Earl Marischal, by his second wife, Margaret, daughter of the 5th Lord Ogilvie of Airlie. The eldest child of the marriage of Sir Archibald Primrose and Elizabeth Keith was Margaret Primrose, born 31st December, 1641.³ She married, 5th September, 1661, Sir John Foulis, Bart.

¹ An interesting letter of Sir A. Primrose to the Earl of Lauderdale will be found in Appendix D.

² See Appendix E.

³ Edin. Reg.

of Ravelston. Sir John Foulis¹ was the eldest son of George Foulis of Ravelston (descended from the family of Foulis of Colinton), by his wife, Jean Sinclair, daughter of Sir John Sinclair, Bart. of Stevenson. Sir Archibald Primrose of Dalmeny settled his estate of Dunipace on the sons² of his eldest daughter, Lady Foulis, on condition of their bearing the name and arms of Primrose. The account book of Sir John Foulis enables us to read the biography of the family between the lines, and shows us the life of more than 200 years ago vividly going on before us. This was a great find for antiquaries and genealogists, and it is a pity more of such books have not been preserved. The birth of the eldest son of Sir John Foulis and Margaret Primrose is thus recorded in the Account Book :—

“ Archbald, thair Eldest Sone, was borne on ye 28
day of julij, 1663, being tuesday, att twa houris
in the eftirnoon.

Witnesses—Sr Archbald Prymrois of Chester, knyght,
Lord Register, George foulis of Raavelstoun, my
lord Colintoun on of the senators of the colledge
of Justice, ye laird of hermistoun &c. he was
named Primrose (by Sr ard his guidst) of Duni-
pace; he died after thre zeirs travell in france

¹ There is a full pedigree of the Foulis family prefixed to Sir John Foulis of Ravelston's Account Book, 1671-1707, published by the Scottish History Society. See Note F and Chart in Appendix.

² Archibald and his heirs, whom failing, George and his heirs, and so on. (See Chart in Appendix F).

and Italie at Prague, April 1684, w^t great reput
and love of all."

There is an entry on 10th July, 1672, when he
was nine years of age:—

"for a bible to archie, 2 8 0"

Before going to the Continent we find Archibald
paid a visit to London by the following entry:—

"March 24th 1681. for a little horse to
my sone ar to ryde to London and
oyr charges, 48 0 0"

Archibald died before entering on the management
of the estate, and was succeeded by his brother, George,
whose retour is dated 15th April, 1685. During the
minority of his sons, Sir John Foulis took over the
management of the estate, and we find numerous
entries in the account book showing what was going
on. We learn that there was a reader or chaplain at
Dunipace. One curious entry, 2nd August, 1680, tells
that the gardener came from Dunipace "about ye
militia pistols and hat." Fruit was sent to Ravelston
from Dunipace, and arrangements made for carrying
letters between the properties. Archibald gets money
when he goes to Dunipace. The following entry occurs
on the 26th May, 1681:—

"to Hew jack, sklaiter in dennie yⁿ I
agreed w^t him for pointing the house
of dunipace, 0 7 0"

“27th May, 1681. to Joⁿ broune of
seabogs man for being clerk wⁿ I
held court at dunipace, ... 2 18 0”

“28th May. to ye gardiner at dunipace
for eall, eggs, brandie, winegar, bread
oat & wheat candle coalls, ... 3 3 0”

“to his wife for some curds & whey
butter & making beds and puting
on fyres ... 1 15 0”

(III.) GEORGE FOULIS PRIMROSE, 3rd of Dunipace, was born 27th April, 1667. In 1687 he paid a visit to London, and his father's chaplain seems to have gone with him and kept a note of his expenses.¹ There are many curious entries. He appears to have met Claverhouse² on the route north, as under date

“21st Nov. 1687. It—for dyet night before cleverhous cam up”

“25th Nov. It—to the lady clevers for lace”

George Foulis Primrose married, 3rd April, 1691, Janet Cunninghame, daughter of Sir John Cunninghame, Bart. of Caprington, by his wife, Margaret, daughter of John Murray of Touchadam and Polmaise. The entries show that a busy, bright, genial life was led

¹ Scottish Antiquary.

² George Primrose's aunt was Lady Carnegie of Pitarrow. The Carnegies were relations of Claverhouse. On 5th March, 1696, Sir John Foulis enters:—

“Spent at dalmenie w^t Alexander Gibsone after the Vicountess of Dundee's burial, ... 1. 1. 0.”

(Alexander Gibson of Durie was married in September, 1690, to Elizabeth Foulis, second daughter of Sir John Foulis of Ravelston.)

at Dunipace, the best of terms being kept up with relations and friends, there being a constant coming and going between Edinburgh and Dunipace. Much was done for the good of the estate. Planting was carried on on an extensive scale, Sir John Foulis sending large numbers of both fruit and forest trees there.¹

There is an entry for money given to Margaret Foulis, Sir John's fourth daughter, when she went on a long visit to her brother, George, at Dunipace, in 1695. More money is sent to her later on, as her visit was unduly prolonged owing to an interesting incident, which the notebook reveals. We find she had captivated the heart of a neighbouring laird, and relative of her own, John Glas of Sauchie. The following matter of fact entries allow us to read the romance underneath:—

" June 17th 1695. Spent w ^t Sr Ja Justice,			
Sauchie and his freinds at closing			
his and mar ^t s contract	3 4 0"
" 21st. Spent w ^t Sauchie and his freinds,			
etc., at signing my doughter mar ^t s			
contract of marriage	6 15 0"
" 22nd. to ye precentor at Corstorphin			
to proclaime Sauchie & margaret			
			2 18. 0"
" 29th. Sent to my doughter mar ^t to			
dunipace	58 0 0"

¹ See Mr. Harvie-Brown's "Remarkable Trees in Scotland," "Large Trees upon the Estate of Dunipace."

² Scots money.

"July 3. to my wife and douchter Jean
yisterday and this day to depurss
for margaret's brydell cloathes and
other necessars for her ... 666 14 3"

They were married at Dunipace on 4th July, 1695, and
on that day the entry is:—

"Spent wt drinking ye good-
luck to Sauchie¹ & mart on ther
mariage night ... 13 10 6"

On the 27th of that month there is an entry:—

"to Sauchie for meg ... 333 6 8"

In the following month we find Sir John Foulis
visiting at Dunipace and Sauchie, and we learn what
he paid for "toyes to ye bairns" [at Dunipace], what
it cost him in "drinkmonie," and what he lost at
cards, &c. The names of George Primrose, and later
on of his son, Archibald, occur in the list of subscribers
to books then being published. The birth of this son,
Archibald, is noted in the account book under date
February 21st, 1693, and there is an entry in the
last year of Sir John's life about his grandson:—

"7th March 1707. to w^m douglas to
pay m^r berrie for a stafe and
inkhorns to dunipace's sone archibald 4 16 0"

¹ This marriage accounts for the coat of arms on the old dovecot at
Sauchie (c. 1700), alluded to by Mr. Fleming in his "Castles of Stirling-
shire." The arms are those of Glas of Sauchie, and the initials

J. G. (John Glas),
M. F. (Margaret Foulis).

Evidently the boy's education was going on in Edinburgh. There was another son, John, and there were several daughters. From the following entry we learn that George Foulis Primrose died 8th April, 1707.

"10th April. to w^m foulis to give to
ye lady dunipace 20 guinies, her
husband died 8 about 3 afternoon 284 0 0"

"12th April. to w^m douglas to buy a
stick of black wax and a quair of
mourning paper 0 14 6"

"21st April. to sauchie to take west to
my doughter dunipace 35 10 0"

Sir John Foulis died 5th August, 1707, and was succeeded in the baronetcy and estate of Ravelston by his grandson, Archibald Foulis Primrose, a boy of fourteen, whose tragic career we shall now try to follow.

(IV.) SIR ARCHIBALD FOULIS PRIMROSE, 4th of Dunipace, appears to have been well educated, as will be seen from a letter later on. He lived at Dunipace, and inherited his great-grandfather's loyalty to the House of Stewart.¹ Judging from his portrait he must have been a handsome, refined looking man. He married first, Lady Margaret Fleming,² eldest

¹ Sir Archibald was descended from the Royal Stewarts. (See Chart in Appendix.)

² The arms of the Earl of Wigton are quartered with those of Primrose on the front of the staircase of the old house of Boghall, Clydesdale.

daughter and heiress of John, 6th Earl of Wigton.¹ This nobleman was a determined Jacobite, who had his own sufferings on account of the House of Stewart, and no doubt fanned the flame in his son-in-law. Lady Margaret Primrose died without leaving any children. Sir Archibald married secondly, 19th November, 1724, his relative, Lady Mary Primrose, daughter of Archibald, 1st Earl of Rosebery.² (See Genealogical Chart.) They had a family of eleven—a son, Archibald, who died at the age of ten or eleven, and ten daughters. Sir Archibald was a member of the Royal Company of Archers. This Company was sanctioned by the Privy Council in 1677. “Discovered at the Revolution to be secretly dis-affected, their assembling was dis-allowed,” but they were reinstated in royal favour by Queen Anne. In 1714, when the state of the Queen’s health suggested a further opportunity of abetting the exiled house, they met in Parliament Square and made a great demonstration. Not a few were in the ’15. On 10th June, 1732, there was another demonstration, the majority of those who took part being all but avowed Jacobites. “Among them were the Earl

¹ Douglas’s Peerage, Wood’s Ed.

² Archibald, 1st Earl of Rosebery, was the only son of the second marriage of Sir Archibald Primrose of Dalmeny, with Agnes, daughter of Sir William Gray of Pittendrum, and sister of William, Master of Gray. Sir W. Gray was also a staunch royalist and suffered by fine and imprisonment for Charles I.

of Kilmarnock, and Sir Archibald Primrose of Dunipace, who, joining Prince Charles Edward in 1745, were in the following year convicted and executed as traitors. Another ardent Jacobite was James Oliphant of Gask, father of Baroness Nairne."¹ Sir Archibald joined in the rebellion of 1745. In "Memoirs of the Rebellion," the Chevalier de Johnstone writes on the night before the Battle of Falkirk, "The night was so dark and the rain incessant we resolved to withdraw to the mansion of Primrose of Dunipace, about a quarter of a league from Falkirk, having a crowd of Highlanders as guides, who took the same road." Sir Archibald Primrose had a commission in the rebel Hussars.² He is said to have guided the Highlanders to the ford over the Carron at the Battle of Falkirk. He was captured after Culloden near Aboyne in July, 1746, first imprisoned in Aberdeen, thence sent to Carlisle, where being tried and convicted of high treason, he was sentenced to death. Lady Mary Primrose, his wife, followed him to Carlisle and remained with him till his execution.³ During his imprisonment three of his children died. He was

¹ See "Social Life in Scotland," by Charles Rogers, D.D., LL.D.

² "List of Persons Concerned in the Rebellion, 1745-6." Scottish History Society. Preface by Lord Rosebery.

³ It was said that a pardon was made out for Sir Archibald, but owing to a mistake of the Duke of Newcastle it was too late of arriving. No evidence of this.—Foulis MSS., p. 23.

executed on 15th November, 1746, exactly one hundred years after his great-grandfather, Sir Archibald Primrose—found guilty of high treason—had the good fortune to have his life spared. Just before his execution he wrote the following letter¹ to his sister, which came under cover of one from his lawyer, who was with him to the last:—

November, 1746.

MY DEAR SISTER,

I have endeavoured to take some small time, from a much more immediate concern, to offer you a few lines and to let you know that this day I am to suffer, I think, for my religion, my prince, and my country. For each of these I wish I had a thousand lives to spend. The shortness of the intimation will not allow me much time to write to you so fully in my vindication for what I did that I know concerns you. But I heartily repent of the bad advice I got even from men of judgment and sense. And what I did by their advice in my own opinion was no more than acknowledging I bore arms against the present Government, for my lawful, undoubted prince, my religion, and country; and I thought by my plea to procure some time longer life only to do service to my poor family, not doubting but yet in a short time that glorious cause will succeed, which God of His infinite mercy grant. I repent most heartily for what I did, and I merit this death as my punishment, and I trust in the Almighty for mercy to my poor soul. As I have very soon to leave this world, I pray God to forgive all my enemies,

¹ This letter is copied from "The Lyon in Mourning," published by the Scottish History Society.

particularly Mr. Gray,¹ who did me all the injury he could by suborning witnesses and threatening some, which was my terror. Particularly there is one poor man² to suffer with me that had an offer of his life to be an evidence against me, which he rejected. Much more I could say, but as my time is short, I now bid my last adieu to my dear mother, and you, my dear sister, and I entreat you'll be kind to my dear wife and children, and may all the blessings of heaven attend you all. Live together comfortably, and you may expect God's favour. My grateful acknowledgments for all your favours done and designed. Remember me kindly to my Lady Caithness,³ Sauchie,⁴ and his sisters, and all my friends and acquaintances. May the Almighty grant you all happiness here, and eternal bliss hereafter, to which bliss I trust in His mercy soon to retire; and am for ever, dear sister, your affectionate brother,

A. P.

P.S.—My blessing to your dear boy, my son.

Copy of a letter to the same lady which served as a cover to the above, from Mr. James Wright, Writer in Edinburgh:—

MADAM,

Your brother, who is no more, delivered me this immediately before he suffered. His behaviour was becoming

¹ William Gray, commonly called Duntie Gray, foreman to Lord Shualton (F).

² Patrick Keir, late wright at Moultrie Hill, near Edinburgh (F).

³ Lady Margaret Primrose, 2nd daughter of Archibald, 1st Earl of Rosebery, married Alexander, 9th Earl of Caithness.

⁴ John Glas of Sauchie, cousin to Sir Archibald Primrose, and son of John Glas of Sauchie and Margaret Foulis (See Chart).

a humble Christian. I waited on him to the last, and with some other friends witnessed his interment in St. Cuthbert's Churchyard. He lies on the north side of the Church, within four yards of the second window from the steeple. Mr. Gordon of Tersperse and Patrick Murray,¹ goldsmith, lie just by him. God Almighty support his disconsolate widow and all his relations. I trust in His mercy He will provide for the fatherless and the widow. I am just now going to wait upon poor Lady Mary.—I am, Madam, yours, &c.,

J. W.

Carlisle, 15th Nov., 1746,
4 o'clock afternoon.

The nobility of character, sensitive honour, piety, and deep affection of the man, his power of attaching men to him, all come out in this letter, which has the stamp of sincerity on it. His anxiety and sorrow seemed to be lest he should be thought to be recanting his opinion of the justice of the cause for which he was about to suffer. As he says, all he meant by pleading guilty was the fact that it was true he had borne arms against the present Government. Dunipace² was of course forfeited to the Crown. In the *Scots Magazine*, under date November, 1746, it is stated "Eleven rebels were executed at Carlisle on the 15th November, namely, Sir Archibald Primrose of Dunipace, Charles Gordon of Dalperse, Pat Murray, goldsmith, Stirling, Patrick Keir, wright, Edinburgh,

¹ Commonly called Cowley Murray.

² Forfeited Estates Papers (Dunipace).

&c. They all died firm in the cause for which they suffered."

On the 17th December, 1746, one month and two days after the execution, in the same paper is the following sad entry:—"At Dunipace, Lady Mary Primrose, relict of Sir Archibald Primrose, and sister of the Earl of Rosebery. She has left eight children. There were eleven of the marriage, but three of them died last summer, while their father was a prisoner. She followed her husband to Carlisle, where she remained till the day of his execution. Grief, it is stated, hastened her death."

On the death of Sir Archibald's only son, his brother, John, as heir of entail, put in his claim for the estate of Dunipace, on the plea that these lands being strictly entailed could not be forfeited on account of treason of any of the heirs. The Court of Session, however, in 1751, dismissed the claim.

Sir Archibald's daughter, Elphinstone, married James Rollo of Powhouse; another daughter married a Mr. Peek of London, and another John Buchanan, M.D., descended from the Buchanans of that ilk. Mrs. Buchanan was alive in 1825,¹ and had a daughter, Susan. Miss Buchanan told a member of the Foulis family that her mother and her sisters, after their father's attainder, got pensions from Government.

¹ Foulis Account Book.

Mrs. Buchanan was then drawing hers. In "Nimmo's History of Stirlingshire," 3rd edition, the editor notes under Dunipace, "It is stated that Lady Primrose was also an enthusiastic Jacobite—it was she who protected Flora Macdonald," &c., &c. Lady Mary Primrose may have been, and probably was, an enthusiastic Jacobite, but the editor has mixed up the Dowager Lady Primrose,¹ widow of Hugh, 3rd Viscount Primrose, with Sir Archibald's wife. Others have made this same mistake. It is well known that Viscountess Primrose was a determined and ardent Jacobite. When Flora Macdonald recovered her liberty by act of indemnity in 1747, she stayed for some time with Lady Primrose. Lady Primrose's house was in Essex Street in the Strand, and was the resort of the fashionable world, and crowds of the higher classes hastened to pay their tribute to the heroine of the hour. Lady Primrose also paid Flora Macdonald's travelling expenses to Scotland. The unfortunate Charles Edward was entertained by Lady Primrose for five days in 1750, on the occasion of his first secret visit to London. These days were employed by Charles in the vain endeavour to form another scheme of invasion. It is on this incident that the novel of "Redgauntlet"² is founded. Lady Primrose was very courageous, but on one occasion she was much alarmed by Charles

¹ See Chart, Appendix F.

² See Introduction to "Redgauntlet."

appearing at one of her parties, of course risking both his own life and hers. Charles corresponded with Lady Primrose under the name of Miss Fines.¹ In the *Gentleman's Magazine* the notice of her death is as follows:—

“15 Feb., 1775, the Right Hon^{ble} Lady Viscountess Primrose, in Clarges Street.”

Her Jacobitism was probably strengthened by the untoward fate of her relative, the unfortunate laird of Dunipace.

The estate of Dunipace was sold by the Barons of Exchequer on 11th December, 1754, to JOHN RUSSELL, W.S.² He appears to have been acting on behalf of the relatives of the family of the late Sir Archibald Primrose.

My reason for stating this is based on the following extracts from “*Curiosities of a Scots Charta Chest*,”³ chap ix., pages 151, 152:—

“Though the rebellion was quelled in 1746, the penalty was paid by many a head, one of the number being that of Sir Alexander’s first cousin, Sir Archibald Primrose, the eldest son of his aunt, Lady Dunipace, a very gay young spark.

¹ Andrew Lang’s “*Pickle the Spy*.” There are many references to her in the Jacobite literature of the time.

² Writs of Dunipace.

³ “*Curiosities of a Scots Charta Chest*, 1600-1800. With the travels and memoranda of Sir Alexander Dick, Baronet of Prestonfield, Midlothian. Written by himself. Edited and arranged by the Hon. Mrs. Atholl Forbes.

He, with 10 others, was executed at Carlisle on the 15th Nov., 1746, leaving behind him seven daughters and one son, whose death is recorded in a contemporary paper as having taken place in Edinburgh on the 29th January, 1747. As a rebel, his property was of course confiscated, and his family were entirely dependent on the bounty of their relatives. Sir Alexander, with his usual generosity, appears to have taken the unfortunate children under his especial charge, as will be seen by the following letter from Lord Primrose, dated

Edinr., 23 Sept., 1755.

“The unhappy situation of Sir Arch. Primrose’s children gives occasion to my troubling you, that has been their best friend, to assure you that I shall at all times be happy at any opportunity of joining you and your brother in doing the children any good that lays in my power, and with regard to them, allow me to put myself entirely under your discretion, who understands their affairs so well, &c., &c.—I am, Sir, your most humble servant,

PRIMROSE.”¹

Sir Alexander refers to this matter in his diary, giving an account of what was done in their behalf. He says:—

“My Lord Dalmeny,² the Earl of Rosebery’s eldest son, my brother Sir John Cunninghame,³ and I,⁴ agreed to purchase

¹ Neil, Lord Primrose, 2nd son of James, 2nd Earl of Rosebery, succeeded as 3rd Earl, 8th May, 1756.

² John, Lord Dalmeny, eldest son of James, 2nd Earl of Rosebery, died before his father, 11th August, 1755.

³ Eldest son of Sir William Cunninghame of Caprington, by Janet, only daughter and heiress of Sir James Dick, Baronet, of Prestonfield.

⁴ Sir Alexander Dick was the third son of Sir William Cunninghame.

the family estate of Dunipace at the sale of the forfeiture, before the Exchequer, and had the good fortune to clear betwixt 7000 and 8000 Scots merks apiece for the behoof of the young ladies.¹ The Ladies themselves behaved exceedingly well and merited the goodness of Government, who, by the Earl of Roseberry their cousin's application for them, have obtained genteel pensions for those that were most necessitous."

John Russell, W.S., sold the estate on 24th February, 1755, to JAMES SPOTTISWOOD. James Spottiswood had a charter under the Great Seal, dated 6th August, 1756, wherein he is designed . . . "*Jacobi Spotswood armiger, nuper de Jamaica, mercatoris et nunc de Dunipace.*" He was succeeded by his second son, James 2nd² of Dunipace, in 1798, his eldest son, John, having died before making up a title. James,² 2nd of Dunipace, died in 1804, and was succeeded by his brother, Robert,² 3rd of Dunipace, who died in 1807, and was succeeded by his brother, Thomas.² Thomas Spottiswood had an only child and heiress, Elizabeth,² who married Mr. JOHN HARVIE-BROWN of Shirgarton and Quarter, J.P., who left an only son and heir, John Alexander Harvie-Brown, J.P., F.Z.S., F.R.S.E., the present proprietor. This gentleman is a well-known naturalist, and author of

¹ This statement seems to explode the fiction in the 3rd edition of Nimmo about the Spottiswood purchase.

² Writs of Dunipace, Printed Service of Heirs, &c.

many valuable books on natural history.¹ He made a very fine collection of birds and eggs, which was kept at Dunipace. A few years ago, his mansion house suffered considerably from a fire, and much of this valuable collection perished.

We have now traced the owners of the estate of Dunipace for 700 years. We have seen that the founder of the Livingstones of Dunipace lost his head; a daughter of that house later on also shared this fate; Sir Robert Spottiswoode was executed for his loyalty; Sir Archibald Primrose, 1st of Dunipace, was found guilty of high treason, and his life spared only by the influence of the "Great Argyle"; but his less fortunate great-grandson suffered at Carlisle for his part in the '45. The story of the "Lands and Lairds of Dunipace," with their many vicissitudes, is another confirmation of the old saying that "fact is stranger than fiction."

¹ See Bibliography of Mr. Harvie-Brown.

APPENDIX.

NOTE A (Page 7).—HERBERT DE CAMERA.

This Herbert de Camera was Great Chamberlain of Scotland in the reign of David I., and ancestor of the family of Chalmer of Gadgirth. A younger branch of this family is said to have settled on lands on the borders of Stirlingshire and Perthshire, and to have given the name of Chalmerstone to their lands. Edward Chalmer, portioner of Chalmerstone, is executor under the will of Alexander Forrester in Shippaugh, burgess of Stirling, &c., whose first wife was Janet Chalmer. Alexander Forrester died in 1619. (Com. of Stirling.) Edward Chalmer of Chalmerstone, was married to a Jean Chalmer, who was served heir to her cousin, Mr. William Chalmer, Clerk to the Treasury, 13th May, 1640. (Inq. Ret. Gen.) In a charter under the Great Seal, dated 26th February, 1644, Jean Chalmer, her husband, Edward Chalmer, portioner of Chalmerstone, and their eldest son and heir-apparent, Edward Chalmer, resign some property, with the consent of James Chalmer of Gadgirth, James Chalmer, burgess of Edinburgh, and William Chalmer, writer, there. This seems to point to a connection with the Gadgirth family.

NOTE B (Page 20).—SINCLAIR OF LONGFORMACUS AND STEVENSON.

Robert Sinclair of Longformacus, was the eldest son of Matthew Sinclair of Longformacus, by his wife, Elizabeth,

daughter of John Swinton of Swinton. Matthew and John were younger sons. John was the founder of the Sinclairs of Stevenson, and was created a baronet in 1636. Several writers have thrown doubt on the descent of the Sinclairs of Stevenson from Longformacus, but it can be proved without doubt from the Privy Council Records and the Great Seal Charters. In 1606, John Sinclair, burgess of Edinburgh, is designed, in a charter under the Great Seal (No. 1797), brother-german of Robert Sinclair of Longformacus, in connection with certain lands in Berwickshire, and later on in 1630, in reference to the same lands in a charter (No. 1677) he is designed John Sinclair of Stevenson, which property he had acquired in the interval. In his will, which is in the Edinburgh Commissariat, dated 20th March, 1650, money is left to "beig ane scool for the Kirk of Langermacus." Sir John Sinclair of Stevenson's daughter Jean married George Foulis of Ravelston. From this marriage the family of Foulis-Primrose of Dunipace descended.

NOTE C (Page 23).—RICHARD LAWSON.

In all the printed pedigrees of the Primrose family, James Primrose, Clerk of the Privy Council, is stated to have married for his second wife, Catherine Lawson, daughter of Richard Lawson of Boghall. This is a mistake. There was no Richard Lawson, laird of Boghall, at this time. Catherine Lawson was the daughter of Richard Lawson, burgess of Edinburgh, a notable citizen there. He appears to have been a bookseller and publisher, and is frequently alluded to in the Privy Council Records. In Vol. XI., page 514ⁿ, it is

stated that he was summoned before the High Commission for opening his booth on Christmas Day, and other misdemeanours. On page 593ⁿ, it is stated that his house was searched by the Guard for copies of the "Perth Assembly." He was called to account for printing and selling the Assembly's Catechism. On page 626, there is a letter from James VI. asking by what license Richard Lawson and others had printed the Catechism? Lawson was banished to Aberdeen for a time. His will is in the Edinburgh Commissariat and is dated 3rd January, 1623. In it he mentions his wife, Agnes Mayne, and his "luiffing son, James Primrose." He also mentions a David Lawson, Notary. This will is printed in the Bannatyne Miscellany, Vol. III. Richard Lawson probably belonged to the Boghall family, but I have not been able to connect him. The fact that James Primrose and his father-in-law took different views of James VI.'s ecclesiastical policy does not seem to have affected their family relationship judging from the terms by which James Primrose is alluded to in the will.

NOTE D (Page 24).—LETTER OF SIR ARCHIBALD PRIMROSE TO THE EARL OF LAUDERDALE, *copied from the Lauderdale Papers, page xxxi., 23115, f. 31. Edited by Osmund Airy (Camden Society).*

Ed^r 19 Jan^y 1661.

MY LORD,

By my last I sent to your Gr^a the extract of the Act q^rby the right of chooscing the officers of Estat belong to his M^{tie} and I hope your Gr has remembered

my gift. And if perchance it should be out of the way, I have sent another copie of it in my Lord Commis^{rs} pacquet which is to goe with ane expresse to-morrow. This weeke the Parliament hath past tuo great Acts²: one concerning the King's absolut power of the Militia of peace and warre, and of treatties and Leagues.³ The other asserting the Royall power, as to any meittings and conventions of the people, and leagues, and bands. The copies of both gois with the expresse to your G^r: Cassills refusing to give the Oath of Alledgance will probablie forfeit his publict trusts, and I sall offer to your G^r whither or not it wer fit for his Mat^{ties} service that the E: of Middleton had his place of Extra-ordinarie Lord in Session,⁴ and that he may be insert in the Commission. Never wes y^r a Parl. so frank for the King, and nothing can be of so great discouragment to them as to sie any who have beene always against the King, espealie in these unhappy yeeres 1649 and 1650, employed in publict trust. All Remonstrators and such who were accessorie to the causs of gods wrioth⁵ are commandit aff the toun. The Parliam^t are to goe in hand with the process. There occureth a difficultie concerning Swinton,⁶ to proceed against him upon the sentence 1651, or be a new process. The first is shortest, Bot it would inferre ane acknowledgment of the lawfulness off yat Parliam^t, whose call wes frome yat unlawfull meiting 1649. The later is not so readie, besyds yat many now think and avow, that the fighting agst the King at Worcester is a sinne of the same nature with the fighting against the King at Dunceluw, Langmerston, Philiphauch, &c.

Haveing now tane some view of these few Records y^t were preserved in the frigit,⁷ there can be fund none of the ancient Records of the Crown, onelie some few Parliam^t

books of King James the 6, neither any records since the yeere 1637. There be lost 85 hogsheid, and I fear of more worth yen all that is saiffe. Your Gr^r may be pleased to pardon this trouble you are putt to Be,

My L^o:

Your Gr^{rs} most humble serveant,

A. PRIMEROSE.

NOTES TO SIR A. P.'S LETTER TO E. OF LAUDERDALE BY THE
EDITOR (OSMUND AIRY).

¹ The title yr. Gr. curious.

² These Acts were framed by the writer. Burnet, vol. i., sect. 116.

³ Aimed specially at the Solemn League and Covenant of 1643.

⁴ Extraordinary Lords of Session were Lords of Parliament appointed by the Crown to sit and vote in Court along with the permanent judges. The office was abolished in the 10th year of George II.

⁵ On September 19th, 1660, a proclamation was published against Rutherford's "Lex Rex," and "The Causes of God's Wrath," supposed to be written by James Guthrie.

⁶ (Swinton.) Mackenzie's "Memoirs," pp. 47, 48. His estates had been forfeited in 1650, on suspicion that he was in Cromwell's confidence, and given to Lauderdale in recompense for the rents of Brunstoun given to Swinton when Lauderdale himself was forfeited by the English Parliament. [There is an amusing description given in "The Tales of a Grandfather" of this Swinton. He was John Swinton of Swinton, the xx. laird, a man of great talents. (Swinton Book.) Sir Walter Scott was descended from him. —*Note by J. C. G.*]

⁷ Cromwell carried off the Public Records of Scotland. At the Restoration they were sent back, but the frigate which carried them was wrecked near Berwick.

NOTE E (Page 24).—KEITH FAMILY.

In the printed pedigrees of the Keiths (Earls Marischal), they claim a double descent from James I. of Scotland.

Their first claim is through the marriage of William, 3rd E. Marischal, to Lady Elizabeth Gordon, daughter of George, 2nd Earl of Huntly, and their second through the marriage of Robert, Lord Keith, to Lady Elizabeth Douglas, eldest daughter of John, 2nd Earl of Morton.

The descent through the Douglasses seems to be correct, Lady Elizabeth Douglas's grandfather, James, 1st Earl of Morton, having married the Princess Joan, daughter of James I.

The descent through the Gordons cannot be substantiated. George, 2nd Earl of Huntly, married three times: first Elizabeth Dunbar, Countess of Moray, by whom he had no children. She was divorced on the ground of being within the forbidden degrees of relationship. The second marriage was to the Princess Anabella, daughter of James I., but she also was divorced on the same plea. When she was divorced her dowry¹ was returned to her, and this is looked upon as evidence by authorities on genealogy that she had no children. The Earl's 3rd wife was Lady Elizabeth Hay, eldest daughter of William, 1st Earl of Errol. His son and heir, Alexander, 3rd Earl of Huntly, was certainly by his third wife, who is designed his mother in a charter under the Great Seal, dated 21st February, 1504 (No. 2823). His daughter, Lady Katherine Gordon, who married Perkin Warbeck, was also the daughter of Lady Elizabeth Hay. "Beside her effigy on a beautiful tomb in Swansea Church, the arms of Gordon and Hay occupy the sinister side of an escutcheon impaled with those of Cradock (the name of her third husband)."²

¹ "Laing Charters," ed. by Rev. John Anderson.

² "Family of Seton," by George Seton, advocate, Vol. i., 389.

NOTE F (Page 25).—FOULIS-PRIMROSE PEDIGREE.

The following pedigree of the Primrose and Foulis families only shows those branches or members more or less connected with Dunipace. For details of the Primrose family see "Nisbet's Heraldic Plates," and for the Foulis family,—Introduction to Sir John Foulis' Account Book (Scottish Hist. Society).

From the Edinburgh Commissariat and the Swinton Papers, kindly shown to me by the Rev. John Anderson, assistant curator of the Record Office, I am enabled to fill in some names in the ancestry of Sir John Foulis left blank in the Account Book. James Foulis of Colinton (father of George Foulis, first of Ravelston) married Anna Heriot, daughter of Mr. Robert Heriot of Lumphoy, by his wife, Helen Swinton, daughter of John Swinton of Swinton; and Henry Foulis of Colinton, father of the above James, married Margaret Haldane, daughter of James Haldane of Gleneagles, by his wife, Margaret Erskine. Margaret Haldane's will is dated 17th December, 1578. In it she names her brother, Robert Haldane of Balwill (part of the Barony of Gleneagles), and her nephew, Mr. James Haldane.

GENEALOGICAL CHART OF PRIMROSE AND FOULIS FAMILIES.

(1) ELIZABETH KEITH, daughter of
Hon. Sir James Keith of Benholm,
grandaughter of George, 5th Earl
Marischal, descended from James I. of
Scotland—(See App. E)

== Sir ARCHIBALD PRIMROSE, Bt. of Dalmeny
(purchased Dunipace 1677)

2 AGNES GRAY, daughter of Sir
Wm. Gray of Pittendrum

Rosebery.

1. MARGARET,
b. 1641

Sir Jo. Foulis,
Bt. of
Ravelston

2. CATHERINE
Sir Dav.
Carnegie of
Pitarrow

Margaret

Henry Fletcher
of Saltoun,
brother of
Andrew F. of S.,
the Patriot

4. Sir JAMES,
Kt. of
Barnbougle

Elizabeth, dau.
of Sir Robt.
Sinclair of
Longformacus

5. Sir WILLIAM

Margaret,
dau. of
Patrick Scott of
Thirlstane

3. Elizabeth

6. Alexander

7. Archibald

8. Gilbert

9. MARY,
d. young

10. GRIZZEL

(1) Lord Semphill,
d.s.p.
(2) Brig.-Gen.
Richd.
Cunningham

11. ARCHIBALD
JOHN,
1st Earl of
Rosebery

Dorothea,
only child and
heirress of
Evringham
Cressy of Birkin,
Co. York

Viscount Primrose.

Foulis and Foulis-Primrose.

1. Jean
(1) John Hay
of
Limphum
(2) Sir James
Justice

2. Archibald (Primrose)
of
Dunipace
d.s.p.
1684

3. Elizabeth
of
Alex. Gibson
Durie

4. George
(Primrose)
of
Dunipace
Janet
Cunninghame,
dau. of Sir
John Glas of
Sauchie,
son of Alex.

7. Margaret
married at
Dunipace,
4 July, 1695,
to
John Glas of
Sauchie,
son of Alex.

9. William
of
Woodhall
Janet
Cunningham
dau. of
John Glas of
Sauchie,
son of Alex.

12. Grizzell
(1) Alexander
Melville
of Murdo-
cairie
(2) Dr. David

5. James
6. John
8. Cath.
10. Christian

Sir Jas. of
Carrington,
1702
created
Viscount
Primrose
Baron
Mamore.

11. Lady
Margaret
Alexr.,
9th Earl of
Caithness

Rosebery.

10. Lady
Mary
Sir Arch.
Foulis-
Primrose,
Baron
Bart. of
Mamore.

11. Lady
Margaret
Alexr.,
9th Earl of
Caithness

Campbell, 4th Duke of Argyll
 d. of James, 2nd Earl of Loudoun, afterwards wife of John, 2nd Earl of Stair
 See *Scott's Mirror*, "My Aunt Margaret's"
 See page 39

Lady Dorothea James, 2nd Earl of Fife
 See under *Foulis-Primrose*

John, Lord Dalmeny, d. 11 Aug., 1755
 Neil, Lord Primrose, suc. as 3rd Earl, 8 May, 1756
 See page 39

All d.s.p.

Michael Balfour of Dinmill

John Murray of Touchadam and Polmatise

Marion, dau. of Col. James Rae of Collinhove, and Sir John Sinclair, Bart. of Stevenson

by Margaret, dau. of John Murray of Touchadam and Janet Nisbet

John

Sir Archd. = (1) Lady Margt. of Fleming, d. of John, 6th Earl of Wigton, d.s.p.

Dunipace suffered at Carlisle, 1746

(2) Lady Mary Primrose, d. of 1st Earl of Rosebery

Foulis-Primrose.

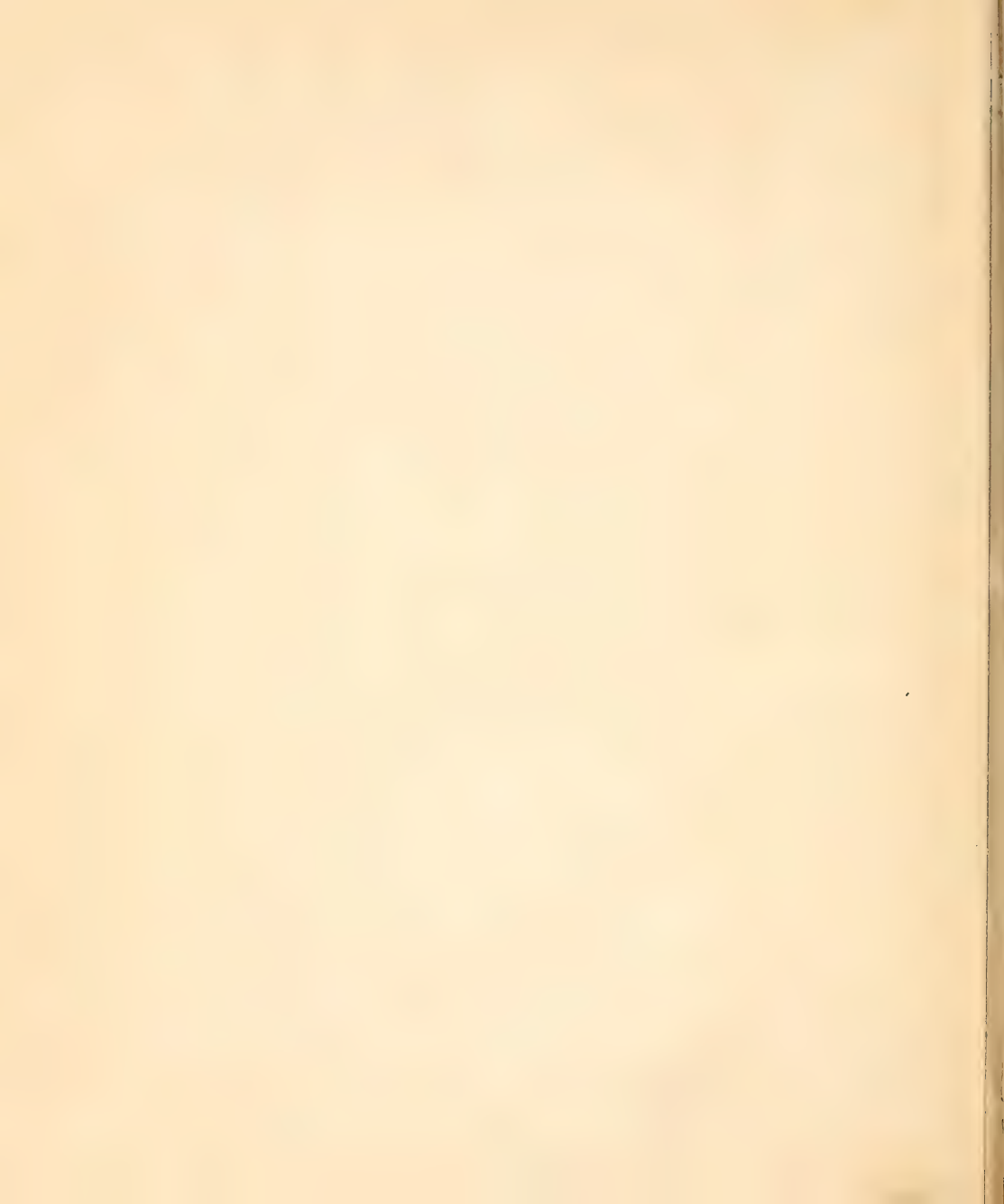
Foulis.

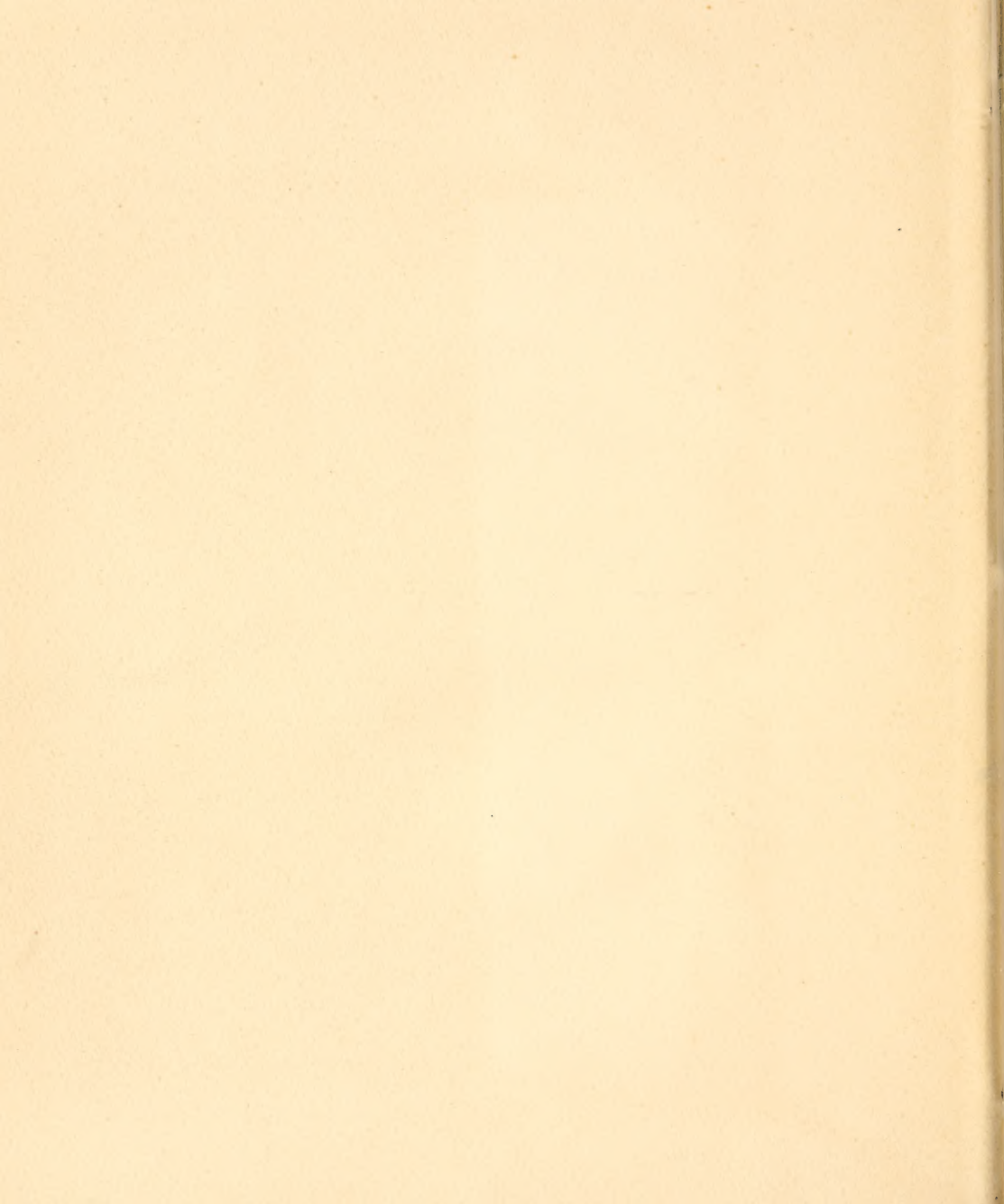
Glas.

John
 Several daughters
 John of Sauchie sold in 1748
 Mentioned in Sir A. Primrose's letter to his sister just before his execution as "Sauchie"
 George Marion = Robert Hope, son of Lord Rankeillor
 Janet
 Jean

Archibald, 2nd Viscount d.s.p.
 Hugh, 3rd Viscount = Anne, dan. of Peter Drelincourt, Dean of Armagh.
 She died in 1775 (the Jacobite Lady Primrose)

Archibald d. Jan., 1747
 Elphinstone = James Rollo of Powhouse
 Mr Peek of London
 John Buchanan, M.D.
 Seven other daughters





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Author Gibson, John C

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